

CUSTOMER NO. 23644

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE THE APPLICATION OF Galen Gareis

Examiner: William H. Mayo, III

SERIAL NO: 09/765,914

Art Unit: 2831

FILED: January 18, 2001

FOR: High Performance Data Cable

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

DECLARATION SUBMITTED PURSUANT TO SECTION 1.132

DECLARATION

The undersigned, Galen Gareis hereby declares:

1. He is skilled in the field of high performance data cables having twisted pairs which includes, amongst other things, the development and use of these cables.

2. He has a degree in EET-BS from the School of Purdue University. The degree was obtained May 15, 1983.

3. He has over twenty (20) years of professional development, design and fabrication experience in the field of high performance data cables having twisted pairs.

4. Since June 15, 1983 he has been employed by Belden Wire and Cable Company and its successor, Belden CDT, Inc., in the research and development department where he is a product engineer for high performance data cables having twisted pairs.

5. He has read the cited references Arroyo U.S. Patent No. 4,807,962 and Tessier U.S. Patent No. 5,132,488 and Tash U.S. Patent No. 5,329,064.

6. He has read and understands the amendments and remarks that were filed with the Request for Continuing Examination on November 4th, 2004 in connection with U.S. Patent Application No. 09/765,914 and the subsequent Office Action issued by the Examiner on December 2, 2004.

7. He is one of the named inventors on U.S. Patent No. 5,789,711 filed April 9, 1996, entitled "High Performance Data Cable". He is also a named inventor on U.S. Patents 6,222,130 entitled "High Performance Data Cable". The present application is a continuation-in-part application of the '130 patent and '711 patent.

8. Prior to the priority date of the present application, April 9, 1996 internal separators or splines were not publicly used or known as a way to control electrical interference generated from one twisted pair to another. The industry rather relied on "lay" techniques and overall bundling.

9. The '962 patent, Arroyo, is specifically designed to isolate optical fibers from compressive forces caused during installation and bending of the cable. The Arroyo patent provides a way to isolate stress without the problems of the prior loose tube designs. Loose tube designs were those without any flutes, grooves or channels. Nowhere in Arroyo or Tessier is there any teaching that the core in Arroyo has any ability to control electricals such as near end cross talk between twisted pairs.

10. One skilled in the art at the time would not substitute the twisted pairs of the '488 patent Tessier for the conductors of Arroyo. There would be no reason for one to utilize twisted pairs in connection with Arroyo. Arroyo concerns fiber optics. Fiber optic conductors do not suffer from cross talk infirmities of twisted pairs.

12. The '488 patent Tessier does not teach or suggest utilizing its twisted pairs in connection with an internal core member such as that taught by the '962 Arroyo patent. The industry at the time of the priority filing date for my invention understood and believed that utilizing overall bound wraps and internal stress relief chord members were satisfactory. Indeed the internal core of Arroyo would have been considered to have been too bulky and cumbersome to provide strength to a twisted pair cable and thus would not have been used to do so.

13. The cited references do not at all indicate that the use of the core member as claimed by Applicant is obvious.

14. I declare that all statements made herein of my own knowledge are true and that all the statements made on the information and belief are believed to be true; and further that the statements were made with knowledge that willful and false statements and the like are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of application 09/765,914.

Date: MAY 24, 2005

Galen Gareis
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